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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 CLARKE and REBECCA WIXON,)
12 Plaintiff(s),) No. C 07-2361 JSW (BZ)
13 v.)
14 WYNDHAM RESORT DEVELOPMENT)
15 CORP., et al.,)
16 Defendant(s).)

Defendant Wyndham Resort Development Corporation

17 Defendant Wyndham Resort Development Corporation
18 ("defendant") has moved to compel plaintiffs to respond to
19 eight interrogatories. Having read all the papers submitted,
20 I find no need for argument.

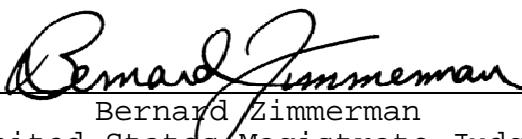
21 **IT IS ORDERED** that defendant's motion to compel is
22 **GRANTED** as follows:

23 1. Plaintiffs' objections to Interrogatories 7, 9, 10,
24 and 11 as overbroad and premature are **SUSTAINED** in part. Each
25 of these interrogatories is in reality three interrogatories.
26 One seeks facts, another seeks the identity of witnesses and
27 the third seeks the identity of documents. Defendant is
28 entitled at this stage of the litigation to learn the facts

1 which underpin plaintiffs' case so it can brief the issue of
2 whether these facts are susceptible to class treatment. It is
3 therefore **ORDERED** that plaintiffs shall answer the first
4 portion of each of these disputed interrogatories by **April 29,**
5 **2009.** Plaintiffs shall answer the remainder of these
6 interrogatories within 60 days of the class certification
7 ruling. I find that at this stage of the litigation, the
8 burden and expense involved in ascertaining this information
9 on short notice outweighs the likely benefit of the
10 information to defendant's opposition to plaintiffs' motion
11 for class certification. See Federal Rule of Civil Procedure
12 26(b)(2)(C)(iii).

13 2. Plaintiffs' objections to Interrogatories 5, 12, 13,
14 and 14 are **OVERRULED.** These are timely and relevant to such
15 issues as the existence of common questions of law and fact,
16 typicality of claims, and the representatives' ability to
17 represent class. See Oppenheimer Fund, Inc. v. Sanders, 437
18 U.S. 340, 351 (1978). Plaintiffs shall answer these
19 interrogatories by **April 29, 2009.**

20 Dated: April 15, 2009

21 
22 Bernard Zimmerman
23 United States Magistrate Judge

24 G:\BZALL\--REFS\WIXON V. TRENDWEST\ORDER ON WRDC'S MOT TO COMPEL.BZ VERSION.wpd

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